

## **TULALIP ORDINANCE # 108**

### **WORKERS COMPENSATION**

WHEREAS, the Tulalip Tribes is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934; and

WHEREAS, establishment of a tribal workers' compensation program, with employer protections and employee benefits similar to those provided by participation in the State of Washington program, is in the best interests of the Tribes; tribal entities, and the employees of the Tribes and its entities; NOW THEREFORE,

BE IT ENACTED, by the Board of Directors of the Tulalip Tribes, that pursuant to the Constitutional Authority provided by Article VI, Section 1(f), (k), (1), and (m) of the Tulalip Constitution and Bylaws, this Ordinance is hereby adopted:

**Section 1. Applicability.** This ordinance shall apply to the Tulalip Tribes, every entity of the Tribes that is an employer, and to all employees of the Tribes and its entities. For purposes of this Ordinance, "every entity of the Tribes" includes every political subdivision, subordinate organization, economic enterprise, commission, and authority organized under tribal law, including but not limited to the Tulalip Housing Authority, Tulalip Utility Authority, and Tulalip Gaming Organization.

**Section 2. Purpose; Interpretation.** The purpose of this ordinance is to provide similar protection from liability to the employer, and similar benefits to the employee, as are provided under the Washington State workers' compensation laws administered by the State Department of Labor and Industries. This ordinance, and all provisions of Washington state law incorporated herein by reference as tribal law, shall be interpreted to fulfill that purpose; provided that only Washington State statutes shall be incorporated.

**Section 3. Incorporation of State Law.** Except as otherwise provided herein, all of Title 51 except Chapters 51.14 and 51.60, Revised Code of Washington, and any future amendments to Title 51, are hereby adopted as tribal law; provided that such laws shall be construed and interpreted in favor of the Tribes as employer.

**Section 4. Claims and Notices.** The employer shall report accidents to, and employees shall file claims with, the insurer selected by the Tribes to provide workers' compensation insurance coverage.

**Section 5. Initial Appeals.** Any employee, beneficiary, employer, or other person or entity aggrieved by an initial decision of the insurer may appeal such decision pursuant to the internal

appeal procedures established by the insurer.

**Section 6. Appeals to Tribal Court.** After an initial appeal pursuant to Section 5 of this Ordinance has been decided, any employee, beneficiary, employer, or other person or entity aggrieved by the decision of the insurer may, within sixty days of receiving notice of the decision, bring an action in the Tulalip Tribal Court, pursuant to the Tribal Court's Rules of Civil Procedure, appealing the decision. The Tribal Court shall hear the matter de novo. The Tribal Court may grant only such relief as could be granted by the Washington Board of Industrial Insurance Appeals of the Superior Court in a workers' compensation Appeals or the Superior Court in a workers' compensation appeal under Washington State law; provided that statutes shall be construed and interpreted in favor of the employer. A decision of the Tribal Court may be appealed to the Tribal Court of Appeals pursuant to Title 49 of the Tribal Code.

**Section 7. Effective Date.** To the extent and limit of the workers compensation insurance purchased by the Tribes, the immunity from suit of the Tulalip Tribes is waived in the Tulalip Tribal Court only and only for purposes of implementing this ordinance. This ordinance shall become effective at 12:01 a.m. on November 1, 1999.

**Section 8. Sovereign Immunity.** Except as to claims that are wholly covered by workers' compensation insurance obtained by the Tribes, nothing in this Ordinance, or in any state law incorporated herein by reference as tribal law, shall in any way waive or diminish the sovereign immunity of the Tulalip Tribes.

-----  
*Legislative History*

Adopted by Reso. 99-329, Laws of November 6, 1999.  
Approved, Nov. 23, 1999, Superintendent, Puget Sound Agency